

**HOUSE COMMITTEE ON**  
**AGRICULTURE AND NATURAL RESOURCES**

February 27, 2003 Hearing Room D  
1:00 PM Tapes 33 - 34

**MEMBERS PRESENT:**        **Rep. Jeff Kropf, Chair**  
                                 **Rep. George Gilman, Vice-Chair**  
                                 **Rep. Kelley Wirth, Vice-Chair**  
                                 **Rep. Terry Beyer**  
                                 **Rep. Dave Hunt**  
                                 **Rep. Donna Nelson**  
                                 **Rep. Patti Smith**

**STAFF PRESENT:**        **Ray Kelly, Committee Administrator**  
                                 **David Peffley, Committee Assistant**

**MEASURE/ISSUES HEARD:**        **HB 2574 – Public Hearing**  
                                 **LC 2828 – Work Session**  
                                 **LC 1779 – Work Session**  
                                 **HB 2521 – Public Hearing**

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These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

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<b>TAPE/#</b>	<b>Speaker</b>	<b>Comments</b>
<b>TAPE 33, A</b>		
003	Chair Kropf	Calls the meeting to order at 1:07 and opens a public hearing on HB 2574.
<b><u>HB 2574 - PUBLIC HEARING</u></b>		
027	Ray Kelly	Explains HB 2574.
038	Rep. Butler	Testifies in support of HB 2574, in that bears and cougars are predatory and dangerous. States that HB 2574 allows the local law enforcement officers to control these predators. Disagrees with ODFW that HB 2574 would be costly.
180	Rep. Wirth	Asks if HB 2574 repeals Ballot Measure 18 (BM 18).
184	Rep. Butler	Responds that it does allow cougar and bear management with bait and dogs.
195	Rep Wirth	Asks if empowering local officials in this way would be a violation of BM 18.
200	Rep. Butler	States that it is more a case of complying with the modifications to BM 18 which were passed in the 2001 legislature.
202	Chair Kropf	Asks how we could replace the revenue loss.
205	Rep. Butler	Disputes the assertion of costs and asks the committee to amend the bill if they must in order to keep costs down.
218	Chair Kropf	Asks if the revenue loss would be in relation to the tags.
226	Rep. Butler	Testifies that HB 2574 is important to save lives.
242	Rep. Wirth	Asks about the prohibition in the bill relating to the State of

253 Rep. Butler Oregon Endangered Species Act. Responds that this bill does not allow any contradiction to federal laws.

276 Rep. Beyer Asks if Rep Butler has run this by the counties to see if they would welcome this authority.

281 Rep. Butler States that the counties believe that these issues are best handled locally.

295 Chair Kropf Clarifies his understanding that this legislation does not repeal BM 18, but to allow county governing bodies to set their own limits and methods in controlling these predatory animals.

311 Rep. Butler States that HB 2574 gives local officials the authority to act when there is a clear and present danger and won't contradict federal regulations.

341 Chair Kropf Affirms that the intent of HB 2574 is not to override Ballot Measure 18.

346 Rep. Butler States that assertion is correct.

351 Rep. Wirth Asks what people are presently allowed to do to predatory animals in the state of Oregon.

355 Rep. Butler Responds that a control board sets these standards. Speaks to the role that game biologists play in control.

391 Rep. Wirth Asks for clarification that once an animal is listed as predatory, any management techniques are possible and thus abuses could possibly ensue.

400 Rep. Butler States that he hopes that is not an unintended consequence of HB 2574. Reiterates that ODFW and game biologists should be sufficient to not allow that to happen.

**TAPE 34, A**

007 Roy Elicker Deputy Director, Oregon Department of Fish and Wildlife (ODFW). Introduces **(EXHIBIT A)** and begins testimony on HB 2574.

030 Ron Anglin, Wildlife Division Administrator, ODFW. Continues testimony in relation to the bear and cougar issue. States that passage of HB 2574 would limit ODFW's ability to effectively manage bear and cougar populations.

083 Chair Kropf Calls attention to the last line of the bill on Page 2. Asks for confirmation on this passage and the prohibition management activities on the behalf of ODFW.

085 Anglin Agrees with Chair Kropf.

086 Chair Kropf Asks whether ODFW currently has the management authority to manage stray wolves.

090 Anglin States that they don't have authority outside of what is provided by the federal government and that presently they do not have that authority.

102 Rep. Smith Asks for a definition of the term *posing threat*.

104 Anglin States how that term applies to this bill as mentioned in ORS 498.166. Adds that ODFW approves the definition.

119 Rep. Smith Asks why ODFW has not been able to deal with a previous cougar sighting.

130 Anglin Speaks to a common misconception about dogs effectiveness and that the cougar is not easily detected soon after a sighting, depending on the weather. Continues that private property rights also sometimes complicate the issue.

161 Rep. Smith Restates that in the aforementioned case, no one responded and the cougar was lurking for months.

165	Rep. Nelson	Addresses the need for efficiency, economy, and safety. Asks if this bill accomplishes those needs.
192	Anglin	States that in reality ODFW is spread fairly thin and not always able to respond. States skepticism that HB 2574 would be sound management policy.
230	Chair Kropf	Asks ODFW to produce statistics regarding the number of human safety kills which ODFW has conducted since the passage of BM 18. Also states skepticism with ODFW's assertion of the loss of revenue. Reaffirms that ODFW biologists will be part of the coalition.
257	Anglin	Responds that ODFW could easily be overridden, so just being on the board isn't enough. Submits <b>(EXHIBIT B)</b> , the information on kills requested by Chair Kropf.
276	Linda Peterson	Submits and testifies in opposition to HB 2574. States that this bill is in opposition to the will of the voters and a thinly-veiled attempt to overturn BM 18.
323	Rep. Smith	Asks what city Linda lives in.
326	Peterson	States that she lives in Salem.
327	Cheryl Brittain	Submits <b>(EXHIBIT C)</b> and reaffirms Peterson's testimony. States that HB 2574 will overturn ORS 498.164 and allow people to hunt bears and cougars merely for sport. Reasserts that this legislation is an attempt to overturn the will of the people.
361	Rep. Gilman	Asks what Brittain's stance was on the 2001 bill using dogs when cougars threaten livestock.
370	Brittain	Restates that she is against hound hunting and bear baiting.
386	Glen Stonebrink	Executive Director, Oregon's Cattlemen's Association. Testifies that this issue violates people's right to life, liberty, and property. Attests that this is not against the will of the people and does not deal with animals other than predators.
<b>TAPE 33, B</b>		
002	Rep. Smith	Asks what the percentage was for the passage of BM 18.
004	Stonebrink	States that he doesn't know.
008	Al Elkins	Oregon Hunters Association (OHA). Affirms Rep. Butler's assertion that there is indeed a problem. Testifies that this bill addresses a serious problem and that Rep. Butler did address various concerns and built in proposed safeguards.
060	Rep. Beyer	Asks if this bill is needed in addition to the repeal of the bear and cougar bill (HB 2436), or instead of that bill.
063	Elkins	Affirms support for HB 2436.
072	Beyer	Again asks whether OHA believes both bills are necessary.
075	Elkins	States that HB 2574 will be sufficient until BM 18 is repealed.
082	Rep. Wirth	Asks about hunters in regard to quotas.
090	Elkins	States that he believes that this would not impact hunters one way or the other.
096	Rep. Wirth	Asks if reclassification as a predatory animal would have any effects.
098	Elkins	States that he doesn't believe that this bill would give any additional rights.
101	Greg Addington	Addresses Rep. Wirth's concern and explains his understanding of the intent of the word <i>predator</i> . Attests that he gets no feeling that this bill tries to open up bears and cougars to hunting.
143	Chair Kropf	Ask if there will be lost revenue to ODFW.
146	Elkins	States that ODFW may be correct and there may be some revenue lost.

167 Stonebrink Adds his input regarding revenue. Adds that an amendment could improve this legislation.

195 Rep. Wirth Asks to address the property issue aside from the human safety issue.

205 Stonebrink Affirms that property protection is a huge concern. Cites an example of eighteen sheep and a dog being killed by cougars.

223 Rep. Wirth Asks if the taking of a cougar would be allowed even if no life was threatened.

230 Stonebrink Affirms that it would.

241 Rod Harder United Hunting Sporting Dogs Association. Notes that BM 18 lost by four percent. States the safety and protection as the vital reasons for this bill. Recommends that we work this bill into a better one, to address the fiscal concerns.

382 Kelly Peterson Oregon Humane Society. Opposes HB 2574. Shares concerns about this bill. Cites HB 2967 which passed last session and addresses this issue.

**TAPE 34, B**

002 George Hutchinson Southern Oregon Forest Coalition. Addresses the issue of reasonable response time and believes that we should provide ODFW with the resources to do the job. Testifies that HB 2574 is not the best way to address the problem.

036 Rep. Smith Asks if they're killing more because they are more.

038 Hutchinson Agrees that could be the case.

040 Chair Kropf Closes the public hearing on HB 2574 and opens a work session on LC 2828.

The following prepared testimony is submitted for the record without public testimony for HB 2574.

Sally Mackler

Submits written testimony (**EXHIBIT D**).

**WORK SESSION – LC 2828**

044 Ray Kelly Explains LC 2828.

**059 Rep. Nelson MOTION: Moves LC 2828 BE INTRODUCED as a committee bill.**

**065 VOTE: 7-0**

**067 Chair Kropf Hearing no objection, declares the motion CARRIED.**

068 Chair Kropf Closes the work session on LC 2828 and opens a work session on LC 1779.

**LC 1779 - WORK SESSION**

070 Kelly Summarizes LC 1779

**072 Rep. Nelson MOTION: Moves LC 1779 BE INTRODUCED as a committee bill.**

**077 VOTE: 7-0**

**079 Chair Kropf Hearing no objection, declares the motion CARRIED.**

080 Chair Kropf Closes the work session on LC 1779 and opens a public hearing on HB 2521.

**HB 2521 – PUBLIC HEARING**

084 Ray Kelly Summarizes HB 2521.

098 Roy Elicker Submits (**EXHIBIT E**), and testifies that Rep. Kruse is working on an amendment to HB 2521, thus this legislation will be substantially different.

128 Chair Kropf Agrees that we should see the amendments before considering this legislation.

131 Chair Kropf Closes the public hearing on HB 2521 and adjourns the meeting at 2:43.

## **EXHIBIT SUMMARY**

- A – HB 2574, written testimony, Roy Elicker, 2 pp.**
- B – HB 2574, written materials, Ron Anglin, 2 pp.**
- C – HB 2574, written testimony, Cheryl Brittain, 1 p.**
- D – HB 2574, written testimony, Sally Mackler, 1 p.**
- E – HB 2521, written testimony, Roy Elicker, 3 pp.**